

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:12cv98-MR-DLH

MICHAEL CHRISTOPHER MARAIA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
BUNCOMBE COUNTY SHERIFF'S)	
DEPARTMENT,)	
)	
Defendant.)	
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THIS MATTER is before the Court on the Defendant's Motion to Dismiss [Doc. 5]; the Magistrate Judge's Memorandum and Recommendation [Doc. 10] regarding the disposition of that motion; and the Plaintiff's Written Objections thereto [Doc. 11].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the motion to dismiss and to submit a recommendation for its disposition.

On October 2, 2012, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed conclusions of law in

support of a recommendation regarding the Defendant's motion. [Doc. 10]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Plaintiff timely filed written objections to the Memorandum and Recommendation on October 19, 2012 [Doc. 11].

After a careful review of the Magistrate Judge's Recommendation [Doc. 10] and the Plaintiff's Objections thereto [Doc. 11], the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Plaintiff's Objections and accepts the Magistrate Judge's recommendation that the Defendant's Motion to Dismiss be granted as to all federal Section 1983 claims and that the Court decline to exercise supplemental jurisdiction over the state law trespass claim.

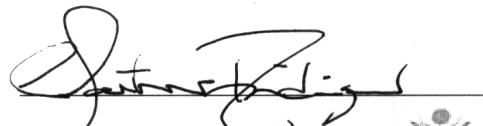
IT IS, THEREFORE, ORDERED that the Plaintiff's Written Objections [Doc. 11] are **OVERRULED**; the Magistrate Judge's Memorandum and Recommendation [Doc. 10] is **ACCEPTED**; the Defendant's Motion to Dismiss [Doc. 5] is **GRANTED**; and the Plaintiff's federal Section 1983 claims are hereby **DISMISSED**.

IT IS FURTHER ORDERED that the Court declines to exercise supplemental jurisdiction over the Plaintiff's state law trespass claim, and this claim is hereby **DISMISSED** without prejudice.

The Clerk of Court is **DIRECTED** to close this case.

IT IS SO ORDERED.

Signed: October 26, 2012


Martin Reidinger
United States District Judge

